

09/890219

JC17 Rec'd PCT/PTO 27 JUL 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MATSUOKA=18

In re Application of:	)	Art Unit:
Hiroharu MATSUOKA et al.	)	
	)	Examiner:
	)	
I.A. No.: not yet assigned	)	Washington, D.C.:
	)	
I.A. Filed: January 28, 2000	)	July 27, 2001
	)	
For: SUBSTITUTED...	)	

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above- identified application, and any other application relying on the filing date of the above-identified application or cross- referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[ ] B. before the mailing date of a first office action on the merits.

[ ] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary

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certification (box "i" below) or paid the necessary fee (box "ii" below).

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

☐ ii. A check (check no. \_\_\_\_\_) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180.

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) petitions under 37 CFR §1.97(d) for consideration of this IDS. A check (check no. \_\_\_\_\_) for/ Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(i), presently believed to be \$130 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either

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☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

☒ 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

☐ A. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

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[X] 3. Document AF is not in the English language.  
In accordance with \$1.98(c), Applicant(s) states:

[X] An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

[ ] A concise explanation of the relevance of documents is found in the attached International search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

[ ] A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in \$1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the

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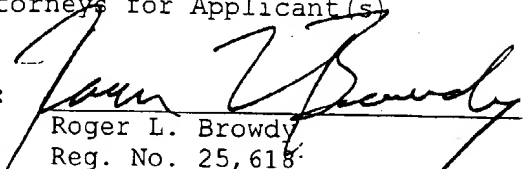
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right to prove that the date of publication is in fact  
different.

Respectfully submitted,

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PTO/SB/08A (10-96)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

I.A. Number	PCT/JP00/00444
Filing Date	January 28, 2000
First Named Inventor	Hiroharu MATSUOKA et al.
Group Art Unit	1625
Examiner Name	B. Robinson
Attorney Docket Number	MATSUOKA=18

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Number			Name of Patentee or Applicant/Inventor of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>8</sup>
		Office <sup>3</sup>	Number	Kind Code <sup>5</sup> (if known)				
BWA	AA	WO	94/03483	A1	SPELLMEYER et al.	Feb. 17, 1994		
	AB	WO	96/40208	A1	DOOLEY	June 6, 1996		
	AC	WO	99/21846	A1	CHEN et al.	May 6, 1999		
	AD	WO	97/48713	A1	LARTEY et al.	Dec. 24, 1997		
BWA	AE	EP	0 647 656	A1	MACIELAG	April 12, 1995		
	AF	JP	07138284		EIGOROU et al.	May 30, 1995		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
BWA	AG	Hisanori TAKANASHI et al. "GM-109: A NOVEL, SELECTIVE MOTILIN RECEPTOR ANTAGONIST IN THE SMOOTH MUSCLE OF THE RABBIT SMALL INTESTINE", The Journal of Pharmacology and Experimental Therapeutics, vol. 273, No. 2, pgs. 624-628	
	AH	P. POITRAS et al. "MOTILIN SYNTHETIC ANALOGUES AND MOTILIN RECEPTOR ANTAGONISTS", Biochemical and Biophysical Research Communications, vol. 205, No. 1, 1994, pgs. 449-454	
BWA	AI	Inge DEPOORTERE et al. "ANTAGONISTIC PROPERTIES OF [Phe <sup>3</sup> , Leu <sup>13</sup> ] PORCINE MOTILIN", European Journal of Pharmacology 286 (1995) pgs. 241-247	
	AJ		
	AK		
	AL		
	AM		

Examiner  
SignatureDate  
Considered

9/1/04

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>8</sup> Applicant is to place a check mark here if English language Translation is attached.